

Briefing Paper for Deputy Administrator Meiburg

Title: San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta)

Status: EPA is facing three major issues in 2015 pertaining to the Bay Delta ecosystem in California.

- **Drought Emergency:** California is in the midst of a significant, multi-year drought that has resulted in a severe lack of rain and snow across the State. New records have been set for the driest calendar year, the driest 12-month stretch, the driest period in 1,200 years, and the highest annual temperature. Surface water diversions and groundwater extraction have resulted in exceptionally low flows in rivers, high instream temperatures, depleted aquifers, plummeting fish populations, devastated agricultural communities, and an increased risk of wildfire in urban and rural regions. In January 2014, Governor Brown declared a “state of emergency”, issued a Drought Proclamation, and released the California Water Action Plan. In February 2014, President Obama visited the San Joaquin Valley and reinforced Governor Brown’s actions with a set of federal initiatives. Consistent with these efforts, EPA Region 9 prepared a *Drought Response and Preparedness Strategy* to help communities withstand the immediate drought emergency and prepare for the droughts and floods that lie ahead.
- **Bay Delta Conservation Plan:** In August 2014, we sent detailed NEPA comments to NMFS regarding the DEIS for the project. To date, EPA has served as a federal cooperating agency. NMFS and FWS were serving as co-lead federal agencies as the project included a Habitat Conservation Plan aimed at restoring 65,000 acres of wetlands and aquatic habitat within the legal boundaries of the Sacramento-San Joaquin Delta for the benefit of fish and wildlife. Commencing with European settlement, almost the entirety of the Delta’s 300,000 acres of tidal wetlands and forests were converted to agriculture. The California Department of Water Resources (DWR) is spearheading the Plan on behalf of the State because they wish to build twin water conveyance tunnels, 35 miles long, that would directly connect the Sacramento River with existing pumping facilities in the South Delta. This obviates the need to move surface water from north to south across the Delta through a complex maze of fragile levees and subsided islands. In February 2014, EPA learned that DWR had decided to restructure the Plan and separate the twin tunnel component from the restoration component, and focus only mitigating for the impacts associated with the construction and operation of the new water conveyance facilities.
- **Bay Delta Water Quality Control Plan:** The State Water Board is doing their first comprehensive update of the Plan since EPA’s partial disapproval of the 1991 Plan led to our federal promulgation of salinity standards, and ultimately to the interagency the Bay Delta Accord of 1994. By June 2015, the State will release its revised Phase 1 element of the Plan governing water quality in the lower San Joaquin River and South Delta, and we will evaluate whether or not we are satisfied with the way the State addressed the concerns we raised in March 2013. Furthermore, this fall the State will release the Scientific Basis Report for the Phase 2 element of the Plan governing the Delta proper. The Phase 2 element is apparently being expedited consistent with the restructuring of the Bay Delta Conservation Plan referenced above. Ultimately, EPA will need to approve or disapprove all or parts of the Water Quality Control Plan, and this could involve intense coordination with OW, OST, and OGC, and will involve formal consultation with FWS and NMFS regarding the effects of the State’s proposed water quality objectives on listed species. Our work in this arena is guided by our 7-point Bay Delta Action Plan issued in 2012.

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